

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HON'BLE MR. JUSTICE P. RAJAMANICKAM

Crl.O.P. No.1907 of 2020

1. Hitesh Kothari
2. Rajesh Kothari

...Petitioners

Vs.

1. State, rep.by
The Inspector of Police,
ED F-I, Team -II
Central Crime Branch Vepery,
Chennai (Crime No.146/2015)

2. Sharad Kumar Jain

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and to quash C.C.No.6801 of 2019 for offences under Section 406, 420, 419, 467, 468, 471 r/w 34 IPC pending in the file of CCB/CBCID Metropolitan Magistrate Court, Egmore as against the petitioners.

For Petitioners : Mr.S.N.Kirubanandan
for Mr.P.N.Vignesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

M/s.T.V.Lakshmanan for R2

ORDER

This Criminal Original Petition has been filed to call for the records and to quash C.C.No.6801 of 2019 for offences under Section 406, 420, 419, 467, 468, 471 r/w 34 IPC pending on the file of CCB/CBCID Metropolitan Magistrate Court, Egmore as against the petitioners.

2. The second respondent, who is the defacto complainant has lodged a complaint against the petitioners and based on the same, the first respondent has registered an FIR in Crime No.146 of 2015 under Sections 406, 420, 419, 467, 468, 471 r/w 34 IPC

3. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A joint memo of Compromise, dated 04.02.2020, has been filed before this Court which has been signed by the petitioners and the 2nd respondent and also by their respective counsel. The petitioners and the 2nd respondent also present in person before this Court. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case pending. Even though, the offences involved are not compoundable in nature, in the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Case in Crime No. 2 of 2019 on the file of the first respondent police.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.146 of 2015 on the file of the first respondent, is hereby quashed and the terms of Memo of Compromise shall form part and parcel of this order.

*Copy of the Memo of Compromise enclosed

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

Vv
To

1. The Metropolitan Magistrate for
CCB & CBCID Cases, Egmore, Chennai.

2.The Inspector of Police,
ED F-I, Team -II
Central Crime Branch Vepery,
Chennai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.N.Vignesh, Advocate SR.No.9301

CrI.O.P. No. 1907 of 2020